

USDOE, EPA and Washington State Dept. of Ecology

Summary of Public Meetings

on

Hanford Cleanup Issues

November 8-16, 1993

Open House: 6:00 pm - 7:00 pm

Public Meetings: 7:00 pm - 9:45 pm



The signatories to the Tri-Party Agreement sponsored five public meetings between November 8 and November 16, 1993 to receive public comment on the draft renegotiated Agreement that governs much of Hanford's cleanup. Three meetings were held in Washington State (Richland, Spokane and Seattle) and two in Oregon (Portland and Hood River); they began at 7:00 pm and concluded by about 9:45 pm. Each meeting was immediately preceded by an hour-long Open House.

Meeting Purpose

These public meetings on the draft renegotiated Agreement were the third round of meetings in these locations sponsored by the three parties. The first set was in May 1993, prior to the beginning of the formal negotiations. The second round of meetings was in August, 1993, when the negotiations were well-underway but before they were concluded.

The November series of open houses/public meetings had three purposes:

- To provide opportunities for citizens to gather information and talk with agency representatives about both the draft Tri-Party Agreement and the Hanford Advisory Board
- To update interested citizens on the results of the Tri-Party Agreement negotiations process, especially with regard to public values identified at previous meetings and through the Hanford Tank Waste Task Force process; and
- To provide the public with an opportunity to ask questions and make comments.

Meeting Format

The format for all five meetings was similar.

Open Houses: Separate discussion areas were set up for those who wanted to learn more about and discuss the Tri-Party Agreement and for those who wanted to learn more about the site-specific advisory board that is being created at Hanford, tentatively called the Hanford Advisory Board. Nomination forms for individuals to serve on the Board were available.

Public Meetings: The meetings began with a welcome, an agenda review, and a brief overview of the key features of the draft Agreement. The overview was provided by one of the lead negotiators for the three parties. It was explained that the formal comment

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period for the draft Agreement began on October 18 and would close on December 1, 1993. At the end of the comment period, the negotiators would review the transcripts from all the meetings as well as written comments sent in and determine if the draft Agreement should be revised. It was expected that a final Agreement would be signed in January, 1994.

Following this overview, representatives of public interest groups, tribes, and local governments were given an opportunity to present a brief commentary on the draft Agreement. A 30-minute question and answer session followed. A panel was convened to respond to questions from the audience; the panel consisted of the lead negotiators for the three parties and 3-4 members of the Hanford Tank Waste Task Force. Following the question and answer session, interested citizens were invited to make formal comments for the record. Those representing organizations were given up to 7 minutes to comment; individuals, up to 3 minutes. In a few cases, the comments involved interaction with the lead negotiators. After all of those wanting to comment had been heard, the meetings adjourned.

Summaries of Each Meeting

The summary for each of the five meetings indicates the date and location of the meeting, the negotiators who attended (the person giving the overview of the draft Agreement is in bold type), the names of those offering commentary on the Agreement, and the names of those who participated in the question and answer panel. The two meetings in Oregon also indicate who from the Oregon Hanford Waste Board welcomed participants. This information is followed by summaries of

- Commentaries that were offered on the draft Agreement,
- Questions and responses from the question and answer period, and
- Formal comments.*

Official Meeting Transcripts

The purpose of these summaries is to publicly provide highlights of the public meetings. Because they are summaries, not everything that was said is included. In addition to these meeting summaries, there will be official transcripts of each meeting.

* The spelling of the names of those speaking during the meeting have been checked against the sign-in sheets for the respective meetings. In some cases, the spelling could not be verified because the names did not appear on the sign-in sheets.

WASHINGTON STATE

TRI-CITIES

Date and Location: Monday, November 8, 1993, Richland, Red Lion (Hanford House)
Negotiators: **Jim Bauer** (USDOE), Roger Stanley (Ecology), and Doug Sherwood (EPA)

Commentaries: Todd Martin (Hanford Education Action League) and Gerald Pollet (speaking on behalf of the following public interest groups: Heart of America Northwest, Columbia River United, Washington Physicians for Social Responsibility, Hanford Watch, the Washington Environmental Council, and the Government Accountability Project)

Panelists for the Question and Answer Session: Jim Bauer, Roger Stanley, Doug Sherwood; Sandi Strawn, Benton County Commissioner; Gordon Rogers, Hanford Family and the Tri-Cities Technical Council; Todd Martin (Hanford Education Action League); and, Gerald Pollet (Heart of America Northwest).

Meeting Facilitator: Alinda Page

Approximate attendance: 125

Commentaries

Todd Martin, Hanford Education Action League or HEAL, indicated that his group liked the draft Agreement and considered it a "good, sound, but incomplete plan" for how to retrieve tank waste and get the waste into a stable form. HEAL's major concern was the fact that the milestones in the draft Agreement are largely in the years past the turn of the century. HEAL feels that near-term checkpoints are needed to ensure that USDOE makes progress and that these checkpoints should be developed and put into the Agreement.

Gerald Pollet (speaking for the following public interest groups: Heart of America Northwest, Columbia River United, Physicians for Social Responsibility, Hanford Watch, the Washington Environmental Council, and the Government Accountability Project) said that those he represented expected the public to look at this draft Agreement and say that it is an approach the entire region can get behind. It deals with the single-shell tanks where the big problems are, and it eliminates grout as a waste form in favor of glass. Because regional consensus now appears to be possible, he said that the political/funding equation had changed and that the agencies should request funding to enable the high-level vitrification plant to begin construction at the same time that the low-level vitrification plant construction gets underway.

The public interest groups support the fact that the draft Agreement emphasizes protection of the Columbia River, but they feel that a strategy is needed that focuses on identifying and cleaning up the hazardous and radioactive contamination that is found on the shorelines and the islands.

Question and Answer Session

Question (Larry Pemberthy, Pemberthy Electromelt): Why is there a 10-year delay before the high-level waste, or even the low-level waste, will be dealt with?

Response (Roger Stanley): When the negotiations began, grout was planned for disposing of low-level waste. The design for the high-level waste vitrification plant was incomplete. During the course of the negotiations, when it became clear that public opinion was opposed to grout, the negotiators reconsidered their initial approach. With grout eliminated, other waste forms had to be considered. The State's primary concern was the fact that the single-shell tanks are failing and the waste needs to be retrieved as soon as possible and put into a more stable waste form. The low-level vitrification plant will deal with 90% of the single-shell tank waste.

Response (Gerald Pollet): Grout was less the issue than funding. With the new regional consensus on the cleanup, he thought that opponents of the vitrification plant would find a smaller audience. If the political equation changed, he speculated that it might be possible to speed things up.

Response (Todd Martin): If the question is, "can this be done quicker?" the answer, technically, is that it could be. However, HEAL feels that the schedule is realistic. At the same time, HEAL wants interim checkpoints to ensure progress is being made. HEAL also wants to keep possible providers in the information loop and if it turns out these providers have answers about how to do the work, they should be able to be in on it.

Response: (Gordon Rogers): Much of the obstacle is bureaucratic. He reflected that his older culture had its problems, but it was great for speed. While the new culture is slower, the public is more fully informed about what is going on. He said that the 3 parties seemed to be working constructively to reduce the time required to make progress and that they deserved support.

Response (Roger Stanley): In response to the issue of more near-term milestones, the three parties wrestled with the whole issue of milestones. The 1989 Agreement had a lot of milestones. USDOE, in this renegotiated package, wanted very few. The parties have tried to develop an approach to drive work efficiently without being overly inflexible. There are 92 enforceable milestones for the Tank Waste Remediation System. There is also a process to review how that System is changing year by year. Where decisions are critical, USDOE has agreed to make the milestones enforceable. In response to the request for a strategy to protect the Columbia River, the parties have agreed to shift the focus of the cleanup to the River, including the K Basins and the reactors along the River. The parties expect this new focus will continue to coalesce into that strategy.

Comment (Gerald Pollet): A strategy would have a goal, such as, "In 3 years, there would be no risk to anyone using the River shorelines." The same approach could be developed for groundwater contamination.

Response (Doug Sherwood): There is a groundwater strategy. It is difficult to put the strategy into a change package the day the draft Tri-Party Agreement is signed. However, the three parties are working on it now and will ask for additional input on a more cohesive strategy.

Comment (Roger Stanley): Along with the new low-level waste form, a broad set of initiatives has been added for tank safety issues and tank farm upgrades. They are now milestones.

Question (Ed Fredenberg): In the existing Tri-Party Agreement there is language that ties milestones to the submittal of a Supplemental Environmental Impact Statement (SEIS). In the proposed draft there is no tie to the NEPA process. Is it intended to follow the NEPA process, and if so, will USDOE submit more than one alternative? If not, what is the rationale behind not using NEPA?

Response (Jim Bauer): An SEIS is being planned and the Notice of Intent is currently being prepared. If different alternatives for addressing tank waste emerge, we would have to renegotiate the Tri-Party Agreement. The Department will abide by the NEPA process.

Response (Roger Stanley): One of the dynamics that the parties wrestle with is ensuring adequate environmental review while getting cleanup work done. There is a desire not to duplicate work and to be as efficient as possible.

Question (Larry Pemberthy, Pemberthy Electromelt): What are the budgets for Hanford in FY 93 and FY 94?

Response (Jim Bauer): The overall Hanford budget for FY 93 is \$1.6 billion; for FY 94, it is \$2 billion.

Response (Gerald Pollet): The cleanup budget will rise far less than was expected in the Five-Year Plan. Clearly Congress has removed several hundred million dollars because the vitrification plant will not be constructed as scheduled. The unspent dollars went not to cleanup but to reduce the federal deficit.

Comment (Gerald Pollet): The less pretreatment, the lower the cost. The Hanford Tank Waste Task Force put forth as a value to drop the 1000 canisters of high-level waste as a goal, but it feels like this goal has not been totally scrubbed.

Comment (Larry Pemberthy): This is a basic fallacy. The idea of Yucca Mountain is a dream. It will not happen. The scheme is so costly, there is no way the waste will go to Yucca, so the waste should be put into glass for shallow burial.

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Question (John Swanson): What makes critics think enough is known about how to address tank waste that it is possible to design an effective treatment and vitrification plant now?

Response (Todd Martin): The new Tri-Party Agreement assumes minimal pretreatment and most of the technology needed is pretty well-developed. As far as characterization is concerned, there is not yet adequate technology, which is why delay is appropriate. But there need to be assurances that USDOE is doing that pre-work so the vitrification can get underway in 2002.

Comment (Sandi Strawn): What we are all saying is that we want to see the Tri-Party Agreement work on the low-level waste, getting on with it in the best, most economical way, but also to be working on high-level waste, making progress on both simultaneously. This is why it is important to have frequent periodic checks, not just annually. Use existing technology and keep working on what we do not know.

Question (Brian Keele): Several million dollars were spent on the grout program, and now we know it will never be operated. How can we assure that we will not have a similar failure in future?

Response (Roger Stanley): Systems for accountability are much greater. The Hanford Advisory Board will keep an eye on progress. There is a far better system of reporting progress to regulators. The agencies share this concern where years of planning go by the board.

Response (Doug Sherwood): The volume in the single-shell tanks would have led to more than 200 grout vaults; the grout program was not designed for that volume. Charting a new course was both appropriate and timely.

Question (Warner Blyckert): The government has spent a lot of money trying to eliminate liquid in the tanks and stabilize the waste. Is there some objection to leaving the waste in place or solidifying it in place?

Response (Todd Martin): Legally, USDOE has to assume high-level waste will go to Yucca Mountain and plan for it.

Response (Gerald Pollet): The question of leaving the single-shell tank waste in place met a lot of public resistance in the mid 1980s. It is one thing if it is not possible to get the waste out, but if there is a way and a safe form for stabilizing it, it is prudent to do so. Otherwise, Hanford becomes a high-level waste dump.

Formal Comments

James Cochran, Dean, Washington state University at the Tri-Cities: The purpose of the Hanford Advisory Board is to provide informed advice. There is a serious flaw in the Keystone Report; the academic community is not but should have been included. The Savannah River Advisory Group is further along than Hanford's and it includes 3 academics. The Washington State Legislature in 1991 told WSU to put together a science/technology center to enable scientific input into the Hanford cleanup. The Hanford Summit also focused on education. The participation of the educational community on the Hanford Advisory Board should be reconsidered.

Larry Pemberthy (Pemberthy Electromelt): There is a lot of sentiment that too much money is being spent at Hanford with too few results. (He referenced newspaper articles, the GAO Report from Spring 1993, and a recent quote by William Reilly, former Administrator of EPA, indicating that the technology is not available to make progress.) Hanford must show that something is being done. I have been in the vitrification field for many years; my company built a furnace in 1981 in West Valley. Hanford has about 300,000 tones of waste to be vitrified. My industry is already making 16,000 tons of glass. Industry can get the job done if the laboratories will get out of the way.

Leon Swenson, licensed professional engineer with 30 years of experience in the nuclear field and a resident close to the site in Richland: The draft Tri-Party Agreement does have positive features, i.e., a recognition of the need to treat the waste as a whole rather than as separate capital projects addressing safety, characterization and retrieval sequentially. However, there are also concerns: It seems the decision to give up on grout was due to political rhetoric rather than to a sound technical rationale. There is too much focus on retrievability of the low-level waste. The potential for leachability of waste from the grout vaults is overblown. Additionally, the decision to delay the high-level vitrification plant should be acknowledged to be driven by funding, not technical difficulties. Finally, there's a concern about the nation's will to continue funding the Hanford cleanup. If there is a delay in the cleanup, it may send a message to Congress that the cleanup is not important. We have the technology and a talented staff; we need clear direction and funding to let the cleanup happen.

John Swanson: Two major concerns. One is the poor technical basis for the high-level vitrification plant. The design for the facility may be completed before characterization is far enough along; this should not happen. The wording of the milestones is a problem: what is said and what is unsaid, resulting in ambiguities. It is doubtful that any "understandings" outside the document will hold up later.

Ed Fredenberg: (Responding to Todd Martin's statements relative to the Nuclear Waste Policy Act requiring USDOE to plan for Yucca Mountain for high-level waste). The Defense Waste EIS looked at a number of alternatives. In the Final EIS, USDOE said the Nuclear Policy Act did not require retrieval of all the waste.

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Gerald Pollet, speaking for Heart of America: The renegotiation of the Tri-Party Agreement represents a turning point in terms of public input and regional consensus on tank waste cleanup and a strategy for protection of the Columbia River. The region can now unite behind retrieval of the waste, tank safety and a strategy for getting on with cleaning up the high-level portion. This was not possible as long as the grout program and the small-sized high-level vitrification plant were cornerstones of the project.

The negotiators are to be applauded for protecting the River. Heart of America would like an independent, comprehensive survey of all the shorelines and islands to identify contamination. A commitment is needed to cleanup the islands and outfall pipes on an accelerated schedule. There should be signs warning the public of hazards currently there. Reducing the level of contamination at the River is needed, by cleaning up the cribs and K-Basin.

The environmental restoration portion of Hanford's budget should be increased. It is not acceptable to say the public cannot be protected because of a lack of money or because of funds needed to address tank waste. Finally, there must be no repeat of the grout vault situation, because if there is, Hanford will not get another chance.

The Tri-Party Agreement must be enforceable. Nothing has been added to the draft Agreement to make it more enforceable, which is contrary to Sec. O'Leary's commitment that the Agreement would be more enforceable.

Todd Martin, Hanford Education Action League: It is understandable if there is ambiguity in the draft Agreement because of the speed of putting it together. However, in the final Agreement, it should be clear that USDOE will be held to what it has agreed too. HEAL would like to see the K-Basin issue resolved sooner than 2002 envisaged in the draft Agreement. The PFP or Plutonium Finishing Plant is a hot issue. The new Tri-Party Agreement establishes a process for the shutdown of old facilities. The N Reactor is slated to be a pilot project; Heal would like for PFP to be another pilot project.

HEAL agrees with Mr. Pollet's remarks about the need for enforceability. While there is progress, 113H is an important issue. The public needs to know that USDOE will be held accountable if it does not clean up.

NEPA can be a tool to delay cleanup. The old Agreement was haphazard in its approach to cleanup. USDOE and the regulators have taken a more systematic, sound approach. It would be good to address NEPA the same way. It would be good to identify where NEPA is needed and vital to a successful and healthy cleanup. Thanks to the negotiators for canceling the grout program and for listening. We are optimistic.

Jamie Ranger: The renegotiated Agreement is not based on a good firm technical basis. Specific issues are as follows:

- The permitting strategy for pretreatment and low-level waste is incomplete.
- There is no mention of how the State Environmental Policy Act (SEPA) will be satisfied.

- Double-shell and single-shell tank characterization milestones violate NEPA; characterization may not focus on retrieval only since USDOE does not have a Record of Decision concerning retrieval of single-shell tank waste. A retrieval only approach commits resources and would preclude an in situ alternative and would commit irretrievably to a retrieval alternative.
- Renegotiated strategy for ancillary equipment and soils is unnecessary. I do not buy the reclassification, which will cement the removal of the ancillary equipment, only to have it buried someplace else.
- Finally, the words surrounding the closure options do not give comfort. Ecology and EPA will consider cost, but nothing in RCRA ever considers cost.

Eric Hoppe: It is good to hear that grout has been abandoned; it was an unproven technology. It is imperative that future decisions be based on good scientific basis and on risk assessments. Grout was an example of a program that was unilateral, without a firm scientific foundation. Characterization issues are not resolved and there is also the issue of tank farm worker exposure. Sampling methods have not been validated which makes characterization problematic. There should be an integrated technical panel, not independent technical boards. There is a need for continuity on site. There are a lot of concerned scientists at Hanford who want to have more input into the cleanup.

Matt Haus: Like academics, local consulting firms are also omitted from membership on the Hanford Advisory Board, but they bring a lot of expertise and should be considered for inclusion.

Jim Knight: (He referenced a handout entitled, "Features of the Negotiated Tri-Party Agreement -- October 13, 1993.) The negotiators are to be commended for the amount of work they have done. Someone now wants an EIS on PFP, which makes it look like "get on with it" is just for show. The 4 grout vaults are 4 black holes; it was unlikely they would leak. The chances of shipping off-site are very remote; whatever is done will need a place to store the waste on site forever. As far as protection of the Hanford Reach goes, a risk assessment should be done of the impacts if it were to be cleaned up versus leaving it alone. Cleanup may cause serious environmental impacts. Does "interim storage" mean that it is dealt with a second time? As far as the value to "protect public and worker health and safety," he felt that workers know the hazards because they deal with it daily. What does it mean to "protect the Columbia River?" He felt that the handout had many errors.

Larry Pemberthy: The Cost and Management Efficiency Initiative indicates that USDOE will openly solicit technologies. USDOE can use standard ones; new ones are not needed. Technologies exist; they just need to be used. He expressed hope that new openness, responsiveness and accountability will take effect.

Since there were no others who wanted to offer comments, the meeting adjourned at 8:40 pm

SPOKANE

Date and Location: Monday, November 15, 1993, Sheraton Hotel, Spokane, Washington

Negotiators: Jim Bauer (USDOE), Doug Sherwood, (USEPA), Roger Stanley
(Washington Dept. of Ecology)

Commentaries: Herman Reuben (Nez Perce Tribe), Todd Martin (Hanford Education
Action League), Cynthia Sarthou (Heart of America)

Panelists for the Question and Answer Session: Jim Bauer, Doug Sherwood, Roger
Stanley, Herman Reuben, Todd Martin, Cynthia Sarthou

Meeting Facilitator: Alinda Page

Approximate Attendance: 20

Commentaries

Herman Reuben: The Nez Perce tribe is involved with the tri-party negotiations because of the issues of River contamination, groundwater contamination, and contamination of land on the Hanford site. The contamination of these resources goes against the culture and tradition of the tribes that have a stake in the Hanford lands. We want to work with Secretary O'Leary -- and the government is obligated to work with our tribe and the two others involved, the Umatilla and the Yakima -- to reach agreement on cleanup. We encourage the public to be involved with us. Please write to our tribe with any questions, or if you want to know how to become more involved.

Todd Martin: He mentioned the importance of having the public's questions and comments addressed tonight. He said that two large facilities are to be built for treating waste: vitrification plants for both low level and high level waste. But the bottom line question is whether this will result in cleanup. The answer is maybe. It all depends on the public, and the willingness of the regulators to listen to the public. The public needs to make sure that DOE actually builds and runs the facilities. This will require great resources and efforts on the part of the public. But DOE also needs to start working on other new technologies immediately. If they don't, the Agreement will be a failure just like the first one. The resources come from us and will result in a consensus that this is the way to do cleanup. He urged the audience to tell their legislators and others that the money should be focused on new technologies for effective cleanup.

Cynthia Sarthou: She said that Heart of America Northwest is pleased that the USDOE has involved the public in the negotiations. However her organization still has problems with the Agreement. First, the Agreement fails to address groundwater and river contamination adequately. Second, the Agreement is not enforceable enough. Third, provisions need to be made for releasing information about the budget, because we are concerned that DOE will fail to obtain adequate funds for the cleanup.

Question and Answer Session

Question (Leo Hinton): I'm concerned about the impacts of radionuclides. Will the waste that leaks into the ground become concentrated, create heat, and then create steam? Can chromatography be used to treat these chemicals to prevent this from happening?

Response (Roger Stanley): The stabilization program that's underway addresses the leakage from single-shell tanks. There will also be a push for retrieval programs, where we can actually get the waste out of the tanks. DOE is also looking at the feasibility of installing barrier systems. I don't know about chromatography.

Response (Harry Harmon): Some of the radionuclides are trapped by the soil and even though the water is moving, they tend to remain in a layer or an area. In a chromatographic process, that is how things are separated. But I am not aware of any cases where we have sufficient concentrations to be creating a heating problem.

Question (Heidi Lightfoot): Just how much waste are we talking about? How many gallons are in each tank?

Response: (Harry Harmon, Westinghouse-Hanford Company): There is about 25 million gallons of high level waste in the double shell tanks, and there are 28 double shell tanks. There are 36 million gallons in the single shell tanks, and we have 149 single shell tanks. The number of curies, as I recall, totals 260 million -- 110 million in the double shell tanks and 150 million in the single-shell tanks.

Comment (Heidi Lightfoot): That's an overwhelming amount--best wishes to you!

Question: Have you had discussions with counterparts in other countries or other sites in this country in determining how to do cleanup?

Response (Harry Harmon): We have some technical experts here, and we have had visitors from the former Soviet Union. Members of our staffs have also visited the former Soviet sites.

Response (Don Woodrich, Westinghouse Hanford): At one of the Soviet sites they are proceeding with the vitrification facility; it has been running for three or four years. Vitrification is a very common technology that this country and some of the European countries are pursuing. At other Soviet sites, their practices have been very poor in the past; they haven't come to grips with how to address that. We do have exchanges and we are well aware of they are doing. We hope to learn from each other and exchange some of that technology. Over the last several months we have had visitors from Russia every month at Hanford. In April we had a week-long workshop on environmental restoration and waste management, and there were seven or eight Russian participants. In late September we had some here for a workshop on safety subjects. I'm not familiar with what's happened at Savannah River, but we've met with some Savannah River people when they were here.

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Response (Cynthia Sarthou): We had our Russian counterparts, activists, here this summer. They informed us that the Russian equivalent of USDOE is worse than anything here and cautioned that we wouldn't really want most of their technology. In fact, according to them, their vitrification facility cannot change out melters, and therefore they are being buried. So every time a melter goes bad, which can occur every two years, they have to bury the facility and build new ones. So their waste program appears to be far behind ours.

Response (Herman Reuben): Four of our staff members went to England to visit a site there that has been using the vitrification process; they are doing a report on what they saw there. For more information, please contact our office.

Question (Cyndi Green): What is the schedule for continued public involvement in overseeing the negotiations? What are the options for the minimization and/or elimination of strontium-90 into the Columbia?

Response: This is outlined in our community relations plan that came out this summer. In addition, there is some information on the back table about the new citizens Hanford Advisory Board. We are in the process of nominating members for that. This group will advise us on all types of cleanup issues at the Hanford site. We've outlined several opportunities for public involvement. At a minimum, we meet quarterly in Spokane to seek your input.

Question (Cyndi Green): What are the different options for minimizing or eliminating the strontium-90 that is seeping into the River?

Response: Very shortly you are going to have an opportunity to comment on the cleanup action for N Springs. As part of the settlement for a previous milestone dispute, the USDOE agreed to submit an engineering evaluation cost analysis for an early remedial action at the N Springs site. Two cleanup options are being considered: a pump and treat program, where you pump out the water and treat it for strontium-90, and installation of a barrier to keep the water from flowing into the River.

Question: How do we make USDOE accountable? How do we enforce this Agreement? Is your strategy for enforceability really going to work?

Response (Roger Stanley): At the time of the original Tri-Party Agreement, Congress had not recognized that states do, in fact, have the same types of enforcement authorities at federal facilities that they have in the private sector. Over the last year, the Federal Facilities Compliance Act was passed. It gave the states and EPA stronger enforcement powers; they have been included in the Agreement. So, if we have a situation where USDOE fails to meet a schedule, the state has the ability to issue orders or penalties, and this is in addition to our basic abilities to take USDOE to court. In addition, we have streamlined our dispute resolution process, so we are expecting disputes to be resolved much quicker than in the past. It will be tough. We are always fighting budget battles at

Hanford, and there is always a long list of technical issues to deal with. We are listening to the public more effectively than in the past. I think that as a result of our public involvement efforts, we can push USDOE and the regulators.

Response (Cynthia Sarthou): There's a lot of room for USDOE to not enforce this Agreement, so I'm concerned too. State law calls for polluters to be fined \$25,000 per day, but in the Agreement, they only get fined \$10,000 dollars per week. And USDOE is prevented from being sued in this Agreement.

Response: (Jim Bauer): The Agreement is enforceable under CERCLA. Suits may be one way to go, but if people work together in drafting an Agreement, you'll make more progress. Fines can help to enforce the Agreement, but ultimately they don't help the cleanup effort.

Response (Cynthia Sarthou): But the Tri-Party Agreement four years ago didn't work. That's why you need stronger language on enforceability.

Response (Todd Martin): Accountability comes from an informed and active citizenry. USDOE produces financial reports that the public has access to--these are a great tool for the public to see what USDOE is up to. Budget figures now can be reviewed by the public to see where the money is going, and where the priorities are. These are valuable tools for the public to use, and will create better accountability and enforceability. Public consensus needs to occur in order for enforceability and accountability to happen.

Response (Herman Reuben): I don't think fines won't help the cleanup.

Question: How does the USDOE fight for federal funds? What would happen if we didn't get money and nothing was done? Is there a report that describes what would happen if nothing gets done?

Response (Jim Bauer): The federal budget itself is a finite item. As you know, there is an effort to reduce federal spending and to reduce the deficit. Within that, each of the agencies are allotted a certain amount of money. So to a certain extent, USDOE's resources are finite, and we are going to be struggling with the budget process to make sure that the needs of Hanford are included. We do not have plans to produce the type of report you mentioned. I don't think it's ever been done, and it would be very difficult, considering the lack of knowledge that there is about such things. We do have a year-end report which identifies the amount of money that has been appropriated to Hanford, how that money was spent and what was accomplished. Part of the procedure that we believe will help ensure that funding is available is to enter into legal Agreements where we have commitments and therefore have to request the money to meet the commitments. There is nothing that I know of in the plans to say if you don't do this, something bad will happen. But with the leakage that is occurring, and has occurred in the past, we can expect additional problems, and that is why we place a priority on trying to remove the liquids from the tanks.

Response (Cynthia Sarthou): We need to demonstrate that the money is being put to good purpose, or else we will continue to lose the battle. We'll be in a better position to get money if we can show the value of the funds.

Question (Ed Adams): If the new Agreement were signed now, what would happen? How would it differ from the past? It seems that most of the money would be spent on the worst problems, even if we're not sure the activities to address those problems are going to work. Maybe we should spend more money on those problems we know we can solve, until we've done more research on how to solve the bigger problems.

Response (Todd Martin): The Agreement has been improved to make sure money isn't being wasted. We hoping the changes in this Agreement show that we are addressing some of those "low-ticket" items, while also trying to address the bigger problems as soon as possible.

Response (Roger Stanley): In terms of tank waste remediation, that's an incredibly difficult task that will take many years, and the early stages of this are going to be some of the most difficult. But I think we have made some significant progress. Also, we have shifted our focus to addressing mobile contaminants, and we have also seen an increase in our ability to take actions, where we can spot a project that can be done at a specific location and do either a quick fix or something close, and I think we are seeing more of those.

Question (Mark Murphy): Why has there been a delay in the construction of the vitrification plants? We should get moving on those.

Response: Construction was delayed because we shifted focus from addressing low-level waste with grout technology to addressing it with vitrification. We also had to modify the design of our high level vitrification plant because we made a larger commitment to process waste from the single shell tanks as well as the double shell tanks.

Formal Comments

Todd Martin: There are four issues I'd like to address tonight. First, there are no provisions to comply with NEPA in this Agreement. Therefore, USDOE can delay an environmental assessment. Second, the fuel storage tanks are located too close to the River. Some of them are leaking into the River. The Agreement states that the fuel should be removed and cleaned up by 2002. This is not soon enough. Third, the Plutonium Finishing Plant is not dealt with adequately in the Agreement. The plant should be considered as a pilot project in order to determine how safe it is to run. The fourth issue is about the public participation program. The Agreement is the result of much input from the Tank Waste Task Force. We have made significant strides with respect to groundwater contamination and the abandonment of the grout policy. I want to thank and commend the negotiators for their work.

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Cynthia Sarthou: The amount of strontium going into the River at the 100-N point is 900 times the level acceptable in drinking water. This Agreement has no strategy for addressing groundwater or River contamination, except on some islands. We want an integrated strategy on groundwater and River contamination. We also want a survey done of the contaminants. USDOE needs to post warning signs on the shorelines and islands. USDOE should make a commitment to reduce radiation levels within three years. The enforceability language in this Agreement is no stronger than before--USDOE is basically allowed to enforce itself. The Agreement contradicts itself in terms of enforceability, and as a result, the courts won't know how to handle the issue. Enforceability is tied with the push to get funding. Funding provisions need to be strengthened. Finally, the Agreement should be worded so that USDOE is not committed to running the Plutonium Finishing Plant, because many people are opposed to running this plant. This happened before with the uranium oxide plant--we were told this was a decision that had already been made. Then when things discharged, there was nothing the regulators could do. Funding involves a big push from the public. The public must be kept informed, because if you don't know what's happening, you can't make the push.

SEATTLE

Date and Location: Tuesday, November 16, 1993, Seattle, Stouffer Madison Hotel
Negotiators: Jim Bauer (USDOE), Roger Stanley (Ecology), and Doug Sherwood (EPA)
Commentaries: Betty Tabbutt (Washington State Nuclear Advisory Council), and Todd Carpenter (The Government Accountability Project).
Panelists for the Question and Answer Period: Jim Bauer, Roger Stanley, Doug Sherwood, Betty Tabbutt, Todd Carpenter, Tom Takaro (Physicians for Social Responsibility), Gerald Pollet (Heart of America).
Meeting Facilitator: Alinda Page
Approximate attendance: 80

Commentaries

Betty Tabbutt, Chair, Washington State Nuclear Advisory Council: The Advisory Council position is that the public must demand that Congress appropriate money for the Hanford cleanup, or no such moneys will be made available. They are in support of public watchdog groups that keep USDOE accountable. The most important issues at Hanford are not very technical, and public input is necessary to ensure that cleanup reflects public values. The Advisory Council has developed a set of values for these negotiations and have submitted them to Ecology. She shared her enthusiasm for the overwhelming public Agreement about what was important to the Tank Waste Task Force representatives. She commended the three parties for their commitment to this process, and noted how USDOE has made huge strides in understanding how important it is to listen to the public. The next step is to make USDOE understand that they must also be accountable to the public.

Tom Carpenter, representing the Government Accountability Project, related that his group feels that Hanford cleanup must happen with the help of the public, even though the problems at Hanford happened without any public knowledge. The Government Accountability Project assists whistle blowers with a goal of making governments more accountable. They are calling for more accountability in the Tri Party Agreement and feel that character and competence are needed to run Hanford. This means that a stronger system of rewards for achievements, and consequences for violations needs to be worked into the Agreement. Illegal actions must be substantially punished by USDOE, a situation that is not happening now. Westinghouse and USDOE bring RCRA and CERCLA mandates to the Hanford site. The Department is not immune to compliance with environmental laws. Renegotiation of the Tri-Party Agreement is an opportunity to make USDOE comply with the state and federal environmental laws they currently enforce. He stressed the importance that the Plutonium Finishing Plant not be restarted without assurance that environmental hazards will not occur if the plant restarts.

Question and Answer Session

Question (Doris Cellarius, Sierra Club): If the Tri Party Agreement (TPA) is signed and USDOE doesn't report future leaks and other potential hazards, what will Ecology do to enforce penalties for such violations; and, will there be larger penalties for repeat violations?

Response (Roger Stanley): From an enforceability standpoint, if USDOE fails to meet the terms of the TPA, Ecology can issue orders for specific actions and civil penalties to be imposed that are above court actions. There is an overall cap on penalties, but there are a few options under the TPA: The stipulated penalties are modest in overall dollar amounts (\$10,000 per week), however there will be an option to issue fines up to maximum allowable by law (\$10,000 per day per violation -- same ceiling as private sector).

Comment (Gerald Pollet): These are stipulated penalties. If USDOE fails to submit a report, \$10,000 is not even a slap on the wrist. Repeated violations must be considered as willful and deliberate and treated as such. Why doesn't USDOE concede that the state won't use the maximum allowable penalty for any violations. The TPA must specify that willful violations of the treaty will have stipulated penalties.

Comment (Sally Pangborn): It is important that the public know what is going on. The information about the time and place of tonight's meeting was very confusing. She couldn't find the meeting. The Hanford Update information came too late, it contained an error in the meeting day, and she almost missed the meeting.

Question (Gerald Pollet): Heart of America is upset about the incorrect meeting announcement. They called Ecology when they found out the day was wrong. There were supposed to be Sunday and Monday ads in all local papers with the time/place correction. The ads that were placed didn't say Hanford or describe the issues. What happened here?

Response (Jim Bauer): This was an oversight and not intentional. The information on the other meeting sites were clear.

Comment (Sally Pangborn): You can apologize all you want, but this has been going on for too long and the public has been misled and as a result, are suspicious.

Response (Jim Bauer): I can't do anything except apologize and accept any further public comment until December 1.

Question (Mike Dempster): If milestones are enforceable, how could Ecology not adhere to them.

Response (Roger Stanley): This can be settled in a dispute resolution process, without going to court.

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Response (Mike Dempster): Please send me the specific language in the TPA that makes this Agreement enforceable. He provided his address. Also send the proposed language that ensures this Agreement will not be shielded from environmental regulations.

Comment (Gerald Pollet): Send this information to Heart Of America also.

Question (Tim Takaro, Physicians for Social Responsibility): Milestones must be watched, some don't make sense from a public point of view. If tank farm closure is not until 2018, what will be the intermediate steps that will tell the public that the farms will actually be closed by 2018?

Response (Roger Stanley): We are trying to set up enough enforceable regulations without creating a TPA that is doomed to failure from a management perspective. The Critical Path Process allows the three parties and others to identify specific tasks critical to tank waste projects. When these tasks are spotted, the activities necessary to achieve these tasks will be enforceable. Public comment on more near term milestones and better technology for low level waste is in the TPA.

Question (Gerald Pollett): Does USDOE agree that milestones are enforceable in court?

Response (Jim Bauer): Within the TPA, milestones are recognized for the tanks, and USDOE agrees these milestone are enforceable.

Question (Kathy Crandell): Why is there no language in the TPA requiring the strongest possible penalties for repeated violations? Especially since USDOE has a history of violating these laws?

Response (Roger Stanley): They are using the same enforceability standards as the private sector must meet. However, the full penalty is rarely used. You usually wind up with a set of violations and have the ability to penalize up to the amount allowable by law.

Response (Doug Sherwood): The problem with penalties from a federal standpoint is that when a penalty is instituted, the Parties have to go to Congress and ask for a special appropriation to pay the penalty. Congress gets angry and accuses the Parties of not working together. There is not much support in Congress for these penalties, rendering them an ineffective tool.

Response (Kathy Crandell): Hard penalties are needed in order to get response to these concerns.

Comment (Roger Stanley): The State is concerned over the tank leaks, but the leak detection monitoring systems are not accurate. In the past they have had to wait a substantial amount of time before they were confident that a leak existed because of inaccurate data.

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Comment (Tom Carpenter): There are not enough consequences for wrongdoing. He spoke of engineers that killed their careers protesting deficiencies in these systems. It has been agreed that these detection systems are not working, but no progress has been made to correct the problems.

Question (Betty Tabbutt): Did EPA or Ecology request proposed language that the TPA be a consent decree that is lodged in the courts, instead of an administrative order?

Response (Roger Stanley): They requested a Federal Advisory Committee Act (FACA) order and a consent order. They did not push to change its legal standing.

Comment (Jim Trumbold): On the subject of enforceability/accountability: He said he is glad to hear that EPA would have to be embarrassed to go to Congress for fine money. Money from Congress is tax dollars. He hoped that USDOE has to go through this embarrassment as well. The \$10,000 should come out of someone's salary, not tax dollars.

Comment (Tom Carpenter): The site is run by contractors; the violations come out of the contractor's pockets. Violations will be charged to contractors as long as USDOE hasn't given the order to violate.

Question (Sidney Stock): Are you trying not to be accountable in court? There have been allegations that USDOE is trying to be self regulatory? Is this true?

Response (Jim Bauer): The Agreement is enforceable, if it is necessary for USDOE to be taken to court, that is allowable under the Agreement. However, USDOE can raise a factual defense to any allegations brought against them. Milestone N-14 was brought as an administrative issue and was resolved. USDOE is subject to enforcement and evidently only future actions will convince you of this.

Question (Sidney Stock): Are there any ideas of lobbying congress for criminal penalties for repeat violations?

Response (Roger Stanley): The Attorney General's office hasn't pressed for criminal penalties; he doesn't know if this is happening. The Grand Jury addressing Rocky Flats is dealing with this issue. Criminal actions were not brought against the federal agencies. Criminal charges are not necessarily the way to go, and fines are not always needed.

Comment (Gerald Pollet): Willful violations are criminal under RCRA. USDOE found that Westinghouse Hanford failed to report tank leaks, yet no enforcement action was taken to penalize Westinghouse Hanford or USDOE. If criminal laws exist, it would be a requirement for USDOE to tell Congress it is being fined and why, and why it is being fined the maximum amount allowable. Mr. Bauer said we believe this Agreement is enforceable and this is great for the record but doesn't answer your question. Is the TPA

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a defense in the face of environmental laws? Will the TPA state that this Agreement will not be used as a shield to RCRA, CERCLA and the Clean Water Act?

Comment (Roger Stanley): He will comb through files to find the specific language that used the world shield. Undoubtedly weeks of deliberations will take place to address the TPA's enforceability.

Comment (Jim Bauer): During negotiations, the task force raised this issue and after discussions with Heart Of America, USDOE approached the Justice Department with this language. The Justice Department found this language could not be in the Agreement.

Comment (Gerald Pollet): Heart of America doesn't know what language has been sent to Justice Department and wants to see what the state proposed and what is the rationale for rejecting the language. Heart of America will respond to these comments on the record before December 1.

Question (Fred Miller): Why are there four and ten year delays before the vitrification plants are to be constructed?

Response (Roger Stanley) They had prepared designs for the high level vitrification plant last year, along with plans for a grout facility and they could have moved forward with these two plants at that time. Once the public demanded new options be considered (other than grout), they had to shift their focus to alternatives for low level treatment, and had to go back to the basic concern over how they should get the low level waste out of the tanks as soon as possible.

Question (Fred Miller): What about off the shelf technologies. Experts have offered their services to get this plant up and running in less than 4 years. Why are the three parties saying it will take 8 or 10 years to readjust and get the plants running? It took less than 2 years for Hanford to go from a desert to a plutonium plant. With more urgency you get more results. Can USDOE put more money to this and complete these vitrification plants sooner?

Response (Roger Stanley): The low level vitrification plant is not primarily a money problem. There is more developmental work that needs to be completed prior to construction.

Comment (Harry Harmon, Senior Vice President, Westinghouse Hanford): The two areas of work that must be done for this plant to be started:

- They must construct a larger glass melter for low level wastes that is the same size as a commercial glass melter. If they build a melter and use the vitrification process used in the private sector, they would have to remove the waste before using the melter.
- They want to build the plant for contact maintenance, so they must first develop pre-treatment measures that will remove the waste.

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Question (Fred Miller): Would funding concerns be tantamount to building the high level vitrification plant?

Response (Roger Stanley): No. Funding is not the major concern it is the development of the vitrification plant. A high level plant could be put on line sooner, but needs further investigation. The French proposal high level plant could be operational in the 1999-2002 time frame, not 2009. Ecology needs to get a "go/no go" decision from USDOE to pursue the French proposal.

Question (Fred Miller): And this decision would fall outside of this portion of the TPA?

Response (Roger Stanley): Yes, with the exception of French proposal.

Question (Fred Miller): The French proposal would cut in half the time it would take to get the vitrification plant up and running?

Response (Roger Stanley): That is possible.

Comment (Fred Miller): Then the French proposal should be mainstreamed.

Comment (Jim Bauer): The level of competition for contracts at Westinghouse Hanford will help drive down the costs at Hanford and ultimately decrease the length of time it takes to accomplish the vitrification plant.

Response (Gerald Pollet): The issue is not just driving down costs, but using USDOE capital to save taxpayer money.

Question (Mary Hartness): Concerning the Plutonium Finishing Plant (PFP), especially glove boxes. If activities are restarted at this plant, isn't this in violation of the law pertaining to the restart of the PFP.

Response (Jim Bauer): The name "glove boxes" was given because people use gloves to deal with the materials stored in the glove boxes. Stabilization of these glove boxes does not mean the plant is going to run. The law mandates environmental responsibility in relation to site cleanup. One step is to conduct an Environmental Assessment(EA). If the EA results in a Determination of Non-Significance (DNS), no further environmental assessment is needed. If a DNS is not granted, then an Environmental Impact Statement (EIS) is required. Environmental assessments will be done.

With regard to the PFP, this facility is going through design and development and there is an Agreement in the TPA that milestones will be negotiated to close that facility. The language in the Agreement that allows a stabilization run is not meant to indicate that the plant will continue to run.

Question (Mary Hartness): Why is the glove box stabilization necessary?

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Response (Jim Bauer): The volatile materials in the glove boxes need to be treated before they can be added to the rest of the materials that need treatment.

Question (Gerald Pollet): Is the proposed stabilization run for the glove box activities allowed by milestone 32?

Response (Jim Bauer): We are evaluating the possibility of doing these activities, approval has not yet been given to complete the stabilization run.

Comment (Gerald Pollet): The language that glove box stabilization is necessary is an error and should be removed from the TPA.

Response (Jim Bauer): The materials in the glove boxes need to be removed; how that will be done has not yet been determined.

Comment (Toby Michelena, Ecology): Glove box stabilization is necessary to put the materials in a safer configuration. Milestone 32 is a RCRA milestone that discusses how the tanks should be brought into compliance with state/federal laws. The intent was not to have a plant stabilization run as part of that milestone, rather the intent was to deal with the glove box materials while being in compliance with hazardous waste regulations.

Formal Comment

Gordon Kinder, for the Mountaineers: spoke of the necessity to protect the Columbia River, and therefore members of his organization, from the contamination at Hanford. The plumes in the Columbia River threaten the health of fish and users of Hanford Reach, an area proposed as a Wild and Scenic Waterway. Posting to warn users about the contaminants in the River must be a priority, as well as taking into account exposure from all areas of the site into the River. Radiation must be surveyed, and target cleanup levels must be set and met. Currently, waste is dumped in huge amounts into the open ground near the River. These areas must be treated to help arrest groundwater contamination. USDOE will treat these streams with a new facility to come on line in 1995. There is no provision in the draft Agreement for discharges in the 300 area. This needs to be consistent with the Governor's Agreement.

He said the Mountaineers thanked USDOE and the other parties involved in the Tank Waste Task Force for dealing with disposal and storage of waste. This is a huge step towards achieving consensus about the problems at Hanford. They also thanked USDOE for substituting vitrification for grout. They urged prompt design, construction and testing of the vitrification plant, including the design of the pre-treatment process. There is a compelling need to develop a systematic approach to cleaning up the groundwater and coordinating these efforts with EPA and Ecology.

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Chris Jordan: Enforceability is an issue because the old TPA was not enforced. Milestones were missed, and Ecology and EPA did not take the guilty parties to court. When the citizens took USDOE to court, they responded with 113 H (a measure that gives USDOE immunity to environmental laws) proving that no real commitment to cleanup has been made unless the laws are enforceable. USDOE must guarantee that the TPA is enforceable in court, will not shield USDOE from environmental scrutiny, and will hold them responsible for meeting the standards imposed by RCRA and CERCLA. Cleanup of D Island and pumping and treating are good decisions; they need to happen in other areas as well. There are high levels of radiation in some areas where a person could receive the maximum yearly dose of radiation in two weeks. Contaminated areas need to be posted. Use performance based contracts to hold down the cost of the vitrification plant. Do not include language on the PFP in the TPA. Thanks for dropping the grout proposal.

Kip Wilson: EPA should be forced to embarrass themselves, go to Congress and ask for cleanup funds, and ultimately make contractors responsible for paying fines. If the contractors are responsible for maintaining the tank farms and facilities, they should be responsible for paying fines when milestones are not met. If the Agreement doesn't say this, it should. Contractors that have repeatedly violated environmental laws must be penalized. Enforceability is the most important thing in this document. The Energy Secretary sets policy for USDOE and she is calling for enforceability for all environmental laws, Richland must follow this policy and not hide behind the Justice Department, as they have been doing with 113H. USDOE must be held accountable, just like everyone else.

Bob Aegerter: He is concerned this meeting has raised more questions than can be answered at this time. He said he was pleased with the improvements to the TPA. A stronger commitment to cleanup of groundwater plumes is necessary. Cleanup of all islands and posted warnings on contaminated areas are still necessary. The USDOE must be subject to all state and federal environmental laws at Hanford. Enforcement is a big issue, as is the necessity to get on with cleanup activities.

Kathy Crandell: Her major concern is enforceability. Ecology and EPA need to come up with stronger language that will stand up in a court of law. She added her support to the previous speaker (Kip Wilson), who felt that USDOE is hiding behind the Department of Justice with 113H, and therefore remaining out of compliance with state and federal environmental laws. Her concerns included the PFP and Milestone 32. If glove box stabilization is necessary for the safe storage of wastes, this could go along with the restart of the PFP. The language in the TPA about this needs to be clearer. The public demands a full EIS statement; EPA and Ecology should be pushing harder for this. She wanted to be sure that the agencies are delaying the design and construction of the vitrification plant for technological reasons, not because they are concerned about asking Congress for funding. There must be intermediate steps to each and every milestone. Funding and capability should not be sufficient reasons for missing predetermined milestones.

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Mike Dempster: USDOE is trying to restart the PFP. They don't think an EIS is required, yet the discharge from this plant contains chemicals that are ozone depleting, carcinogenic chemicals that have been banned since 1985 because they have a significant environmental impact. If the PFP restarts, 58,000 lbs of this chemical will be released in the air and will be breathed by Tri-City residents. He asked that the TPA not be signed until the penalties for violations of the Agreement are enforceable in court. This includes making criminal assault charges on people who harass whistle blowers.

Frank Tabbutt: The TPA has been around for four years. During this time no cleanup activities have happened; no milestones have been met; two schedule slides have occurred; and a major renegotiation of the TPA has been called for. USDOE's success record is zero. The TPA set specific dates and milestones that must be met. The removal of grout from the list of cleanup options and the acknowledgment that contamination in the tank farms is happening are positive moves by USDOE. All three parties have addressed the problems at Hanford, and bringing environmental groups and the public into this process is a very positive step. However, the management structure is not in place to meet milestones. In the corporate world, the more milestones are built into product development, the better. Other concerns are as follows:

- Will performance increase if the same players are on the job? 15 years is a long time to build a vitrification plant. If this were in the corporate world, the contractors would be fired. Why can't both vitrification plants be built at once?
- Why are cleanup funds being used on the PFP rather than on cleanup? An EIS must be done on the PFP.
- You will never get anything out of Congress if you don't ask for money.
- Any contract that is not enforceable is not a contract. The public must have a formal Agreement by USDOE that the contract is enforceable. Accountability must occur. If people don't do their jobs, they must be replaced or face charges of criminal negligence.

Betty Tabbutt, Washington State Nuclear Advisory Council: The relationship between public involvement, enforceability, and funding must be strengthened. The existence of this relationship demonstrates an important shift in focus by USDOE. She said she applauds the decision not to use grout as a cleanup option. Her main points are to 1) protect the Columbia, 2) ensure that the issues addressed in the TPA closely reflect public comment, and 3) make sure there is full accountability and firm enforcement provisions to protect the public interest. The Administration Procedures Act, Environmental Policy Act, and the Clean Air Act have all acknowledged that protection of citizen suits is important. CERCLA stands alone, but this was not meant to delay cleanups. Citizens are not interested in delays unless immediate action will have worse effects. Citizen suits should not be blocked. Both accountability and firm enforcement provisions are necessary; target dates and milestones must be enforceable; and the overall Agreement must be enforceable in court. The federal government can fund the cleanup, but funding can be diverted if enforceability is not in place. The public needs greater assurance that the obligations in this Agreement are enforceable.

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Fred Miller: Enforcement is important, and USDOE must stop hiding behind 113H. If the Department of Justice is in the way, fire them and get a new law firm to do their job. Four- and ten- year delays to develop, design and construct a vitrification plant are too long. It doesn't take that long to develop the technology; the French model must be followed. Ten years isn't "getting on with it." Pump and treat is simple. It should be done on a large scale, not just on a pilot project basis. Grout proposals were killed by their own stupidity; citizen action prevented this from happening before more vaults were built. Leak detection is a joke; this method needs to be improved.

Tim Takaro, Physicians for Social Responsibility: He said he applauds the switch from grout; wants the TPA to address the north slope and arid lands; and encouraged the parties to look at ways to improve public participation. A site specific advisory board should be integrated into many parts of the Agreement. Milestones and intermediate milestones are important. One example is the single shell tanks. A milestone for their cleanup is 2018, but this is a long way off. The public needs to know that this goal can be met before this date arrives. Involve the public in the budget process early on, before the budget is submitted to Congress. He said another concern was public health. Based on present information, barring catastrophic events, the workers on the site are the most at-risk population. Care must be taken in protecting the environment, but in the process of protecting the environment, worker health must be paramount. Since 1992, workers at Hanford have made many mistakes, yet they still receive bonuses. This is not accountability. The change of culture at USDOE was a long time coming; it should involve Hanford workers. It is important to maintain the integrity of the Secretary of Energy. She needs support and this should come from USDOE. The 2002 target date for removal of fuels from the K-Basins is not a firm milestone. Without necessary funding, K Basin issues may be put on the back burner.

Gerald Pollet, Heart of America: The Secretary of Energy is committed to complying with state and federal environmental laws; this commitment must be translated into reality. An EIS on the PFP must be done immediately. There must be immediate recognition that RCRA and CERCLA govern all operations inside the PFP. Cleanup funds run the PFP, but USDOE has refused to acknowledge RCRA jurisdictions to use these funds. Language changes need to be made to Milestone 32. Currently the language implies there will be a restart of the PFP. It should read, "Liquid waste volume generated as a result of the PFP stabilization campaign will be limited to a total of 300,000 gallons." It should go on to read, "If it is decided that the proposed campaign is the preferred option; following exploration of impacts and alternatives, inclusion of identified mitigation measures and execution of an Agreement extending full RCRA jurisdiction, including permitting, for all operations of PFP as a treatment, storage or disposal unit...." The language relating to glovebox-scale stabilization should be removed. The language in the first sentence, second paragraph of milestone 32 should read: "Discharge to 241-Z following the stabilization campaign, if allowed, following an EIS, will be limited to 50,000 lbs. per year until compliance is achieved or until terminal cleanout is completed."

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In contaminated areas along the Columbia River, deer are drinking water that has five times the background radiation in comparable communities in Washington State. The commitment to clean up D island is positive; there should be a similar commitment to clean up contaminated areas all along the Columbia River. It is imperative the TPA state that no discharges to the soil or the Columbia will be allowed related to RCRA or CERCLA.

Cindy Grant: There must be a commitment to use the best technology to minimize exposure to the environment and to people. Use the best science, even if it takes longer or costs more.

Sidney Stockton: He said he was not thankful that DOE is doing things they should have been doing all along. The three party relationship as adversarial is a lot more important than having the three parties get along. People have their jobs. Change doesn't occur because violations do not affect the contractors. He said he feels that national security is not to protect us from other nations, but to keep private citizens from knowing what goes on in a place like Hanford. If private citizens had inflicted the crimes these agencies have on populations, the citizens would be imprisoned for the rest of their lives, or worse. USDOE is still being reactive, not proactive. They are not working to make any improvements on their own.

Jim Trombold, MD: When Americans are fearful, they are efficient. The procrastination of timelines is a priority problem, not budget. Something must be a crisis (i.e., the explosion of a tank) before it is dealt with. Call it the "Hanford Crisis," and get it budgeted accordingly.

Hillary Harding: TPA needs a personal advertising trainer. They need to make a commitment to *successful* advertising, not just to advertising. There should be at least 300 people at these public meetings.

Mike Dempster (Question to Doug Sherwood): The release of carbon tetrachloride has been banned by EPA since 1985. Would you agree that the 58,000 lbs. of this product constitutes a significant environmental impact?

Response (Doug Sherwood): That is a concern with operating this plant. An environmental assessment that should be performed, at a minimum, to determine whether this is a proper operating procedure. For most facilities there is a requirement to have treatment technology for release of hazardous substances from a stack. What I've heard on the level of release that is a concern to EPA is that the reportable quantity for release for carbon tet is 10 lbs. per day. If you exceed 10 lbs. per day, you must report that exceedance to the National Response Center. It is a point we are concerned about. We have had major past historical releases of carbon tet to the soil at Hanford. Before it was put up the stack, it was disposed to the soil. An excess of 1000 metric tons of carbon tet has been disposed to the soil at Hanford. It is very important; it is something you should look for.

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Mike Dempster: I believe you said the answer is, "Yes, this chemical release poses a significant impact that will be felt by people in the area." Stop dodging this fact and do an EIS.

Sally Hayward, teacher: She said when she taught school, she taught her students about patriotism. During war time, people gave the ultimate sacrifice for war. Why aren't people braver about standing up and being more patriotic, like the whistle blowers at Hanford?

Gerald Pollet, Heart of America:

- Public participation in these decisions is patriotism; it is also the only way to get publicly supported technical decisions. Public input needs to be enforceable. There should also be public participation milestones in this Agreement. The party responsible for getting people to these meetings must give better information about times, dates and locations. There should be a penalty for failing to involve the public in critical decisions. Start with the June 1994 date concerning the French-designed vitrification plant. Include a milestone that says that decisions about this plant will only be made after consultation with the Hanford site advisory board. He said another needed milestone for public involvement relates to decisions about single shell tank waste retrieval and the decision regarding the rebaselining of the environmental restoration portion of this Agreement. These are examples of why a Hanford site advisory board must be included in this Agreement with an assurance that it has access to independent technical advice. It will ensure the public that there is no "smoke blowing" on technical decisions. Site advisory board requirements must be written into TPA.
- It is incredible that USDOE continues to ask that the budget for this project be kept a secret even though it is shared with EPA and Ecology. Providing this information to the state, but not to the public, violates the Freedom of Information Act. Let the public participate if you want the public to support your decisions.
- Regarding single shell tanks: not many readers get as far as milestone 45. It discusses leaving behind 1% of all waste in the single shell tanks. The achievement of this goal would leave behind 110,000 lbs. of high level waste in bigger tanks. By volume, that means that millions of curies of waste could be left behind untreated in single shell tanks. It means you will never be pushed to develop the technology to remove the tanks completely. Milestones must reflect this: remove all tank waste or the tank farms will be reconstructed to be a RCRA certified landfill and a CERCLA federal waste repository. This milestone violates the state Model Toxics Control Act; it cannot stand as it is. It allows for in situ stabilization of single shell tanks. There needs to be a technology-driven milestone that meets both state and federal environmental laws.
- Regarding enforceability, in 1988, a memo between USDOE and EPA suggested language for the Model Toxics Control Act, stating that all parties can enforce the terms of this Agreement. No reservations were implied about 113H. This sentence, "The parties agree all parties should have the right to enforce the terms of this Agreement," specifies that the parties do not intend to have this Agreement be a

CERCLA Federal Facility Agreement. Remove this language and get on with full compliance with the law.

Fred Miller: If Congress has to pay enough fines, they will get mad at contractors and regulators who are causing these fines to be incurred. They will fire people who don't do their jobs properly. Regarding public information about these meetings, he said he personally got more people to this meeting than USDOE. The agency's dvertising is failing. He offered his advice on how to get more people out: supply adequate notice far enough in advance of the meeting. He said he has the names of specific newsletters that should be sent information on these meetings. He said he thought the mistakes on public involvement were consistent and deliberate. Westinghouse's existence as a corporation is based on their ability to do advertising. If Westinghouse Hanford can't do the advertising right, another advertising contractor is needed.

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OREGON

PORTLAND

Date and Location: Tuesday, November 9, Portland, Red Lion at Lloyd Center

Welcome: Norma Jean Germond, Oregon Hanford Waste Board

Negotiators: Jim Bauer (USDOE), **Roger Stanley** (Ecology), and Doug Sherwood (EPA)

Commentators: Ralph Patt, Oregon Water Resources Dept., Paige Knight, Hanford Watch, Lynne Stembridge, Hanford Education Action League, and Gerald Pollet, Heart of America

Question and Answer Panelists: Paige Knight, Ralph Patt, Lynne Stembridge, and Gerald Pollet

Meeting Facilitator: Alinda Page

Approximate attendance: 55

Commentary

Ralph Patt, hydrogeologist for Oregon's Water Resources Department, began his remarks with a question that had been posed to him by a legislator from Oregon, "Does public involvement ever have any real effect?" In the case of the Hanford Tank Waste Task Force, Mr. Patt said that the answer was a clear "yes." Those responsible for making changes were there at Task Force meetings, and they listened. He indicated his hope that USDOE was on the right road for how to spend the public's money. While the draft Agreement is "not a perfect document," he said he believed that with public involvement, technical review and willingness on the part of the agencies, Hanford's cleanup could be responsibly done, within a reasonable budget.

Paige Knight, Hanford Watch, spoke of the importance of the audience's presence and interest and indicated that she personally was very encouraged about the impact of public participation. She urged citizens to stay involved because it is interested citizens who will ultimately make the difference in the outcome. Like Mr. Patt, she too said she was very heartened by how well the agencies had listened in the last 6 months -- as is apparent in the draft Agreement. While she felt there are a few problem areas that need to be improved, she said it was the beginning of a good Agreement.

Lynne Stembridge, Hanford Education Action League, echoed the comments of Mr. Patt and Ms. Knight about the value of public involvement and the clear evidence of its impact in the draft Agreement. She called the draft a "good skeleton" that needs to be fleshed out, with details spelled out in black and white so they will be enforceable. Noting that the draft was not easy to read, she encouraged citizens to look at publications of citizen interest groups for guidance through the thick document. She thanked the audience for coming.

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Gerald Pollet, Heart of America Northwest, described specific areas in the draft Agreement where he said that public involvement had made a difference. These included the importance of focusing cleanup efforts on protecting the Columbia River and the criticism of the proposed grout program. Those values made a big difference. Other areas where he felt that changes still were needed were as follows:

- There should be a preset goal and overall strategy for protecting the Columbia River and public users, by intercepting groundwater contaminants and cleaning up along the shorelines and the islands.
 - The Plutonium Finishing Plant and other old facilities are included in the Agreement for the first time, which is a step forward, but USDOE proposes to run PFP at a cost of \$250,000 to clean up the plant, using cleanup dollars. He said there were safer strategies that could be used to accomplish the same objective.
- He encouraged citizens to comment orally or in writing and to send their comments in.

Question and Answer Session

Question (William Cowens): Is there any provision whereby outside corporations which have good ideas for cleanup can contribute or make presentations?

Response (Jim Bauer): We know that earlier it felt like the procurement process was closed. The Cost and Management Efficiency Initiative has a provision to open up the procurement process. He noted that a week earlier there had been a conference for businesses related to the low-level vitrification plant and that a similar conference would be held in Portland to outline business opportunities.

Response (Gerald Pollet): There has been talk about this issue for several years, with many feeling that the door has been closed to those wanting to sell technologies. At the Hanford Summit, Gov. Lowry asked Sec. O'Leary to create a program to set aside 1/4% of Hanford's budget for R&D for demonstration and pilot projects (about \$20 million) and this is going forward. While the Sec. O'Leary agreed to this, it is not in the Agreement, and he feels it should be.

Response (Ralph Patt): Cryogenics technology as a strategy for dealing with tank leaks is of some interest but he had heard that a company wanting to propose this technology had found it hard to get a hearing. He said he know of a similar lack of interest in polymer injection, which was developed abroad, to tie up waste.

Response (Roger Stanley): Those at the Washington State Dept. of Ecology have observed a greater interest and openness on the part of USDOE in foreign technologies and in privatizing cleanup work.

Question (Sharon Bloome, President of Heart of America): What makes this draft Agreement more enforceable than the existing Agreement? What assurances are there that Ecology can enforce for liquid waste discharges?

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Response (Jim Bauer): From USDOE's perspective, the existing Agreement is enforceable. The Dept. of Ecology has fined USDOE \$200,000 for noncompliance. Enforceability has been affirmed in this draft and language from the Federal Facilities and Compliance Act has been included. So, even though the law is there and usable, additional language was added to this Agreement. The liquid waste discharges are in the milestones and Ecology can enforce for them.

Response (Roger Stanley): The 1989 Tri-Party Agreement was negotiated before the Federal Facilities and Compliance Act was passed and compliance mechanisms were weak. The dispute resolution process was tried but it was long and burdensome. Once the Federal Facilities and Compliance Act was passed, we added it to this draft Agreement. Ecology has the ability to issue orders and to assess penalties for failure.

Question (Lynn Porter, Hanford Watch member): Summaries of the draft Agreement indicate that it will take until the year 2001 for the resolution of tank waste. Given the threat of tank explosion, what is being done to prevent explosions? Can anything be done to change the chemistry of the tanks?

Response (Roger Stanley): Three categories of concern from the standpoint of explosion are the presence of ferrocyanide compounds, of organics and of flammable gases. To address these, adequate monitoring, characterization and sampling are to be implemented.

Response (Toby Michelena, Dept. of Ecology): Strategies in the draft Agreement will include monitoring upgrades, sampling, early retrieval of the waste, characterization milestones that will focus on safety issues, and the 101 SY mixer test will be done by mid 1994. Before something can be done in the tanks themselves, more detailed information is needed on the contents of the tanks so right now the focus is on mixing, early retrieval, and venting tanks with proper air emission controls.

Question (Lynn Porter): HEAL's newsletter indicates that it will take until 1995 to get temperature monitors in place. Can this be speeded up?

Response (Toby Michelena): The focus will be on those needing monitoring first. Efforts are underway to determine how much temperature monitoring is needed and then getting the equipment in place and working.

Comment (Gerald Pollet): Tank safety concerns cannot be resolved by studies, but the draft Agreement offers a paper resolution that will not resolve the underlying physical safety problems. The latter will not be resolved until the waste is out of the tanks or until it can be dealt with in situ. Vapor space monitoring is also critical because of worker exposure to contaminants, especially at the C tank farm, but it is even slower to get going than the temperature probes.

Comment (Ralph Patt): The key issue that sparked the 6-month negotiations was the need to address Hanford's single-shell tanks. It was decided to retrieve waste in them.

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The vitrification plant was originally designed just for the double-shell tanks. In the draft Agreement, more double-shell tank space will be built in a short period of time. However, safety issues do remain unresolved. The two samples per tank called for in the earlier Agreement were not adequate; the draft Agreement has a different schedule, with more core sampling of the tanks, which is desirable.

Comment (Lynne Stenbridge): These areas in the draft Agreement are weak. The best way to get adequate monitoring in place is for the public to say that these milestones need to be accelerated. The parties need to hear that this worries people. These are not big ticket items or major capital expense projects.

Question (Ralph Bunnell): What will the redesign, with a 10-year delay, get us and why is redesign necessary before proceeding? Will pumping and treating groundwater contamination keep the stuff out of the River?

Response (Ralph Patt): Two areas of concern are the groundwater along the River which contains strontium 90, tritium, chromium, and in the 300 Area, uranium; and the reactors along the River. Most of the groundwater contamination, by volume, is in the 200 Areas which are 8-15 miles from the River. Oregon is concerned the contaminated groundwater will get to the River, especially if water continues to be put in the old cribs that will drive the plumes toward the River. The contamination is so deep it is not possible to dig it up. Oregon's approach, since it is not possible to get all of the contamination out using current technology, is to pump and treat those contaminants for which there is technology. Pumping the plume will stop its moving toward the River. Reinjecting the water that has been treated will help to keep it from reaching the River. According to Doug Sherwood, 90-95% of the contamination that has gone into the ground is still in the zone above the groundwater, in the vadose zone. The fear is that it will eventually reach the groundwater and then the River. As an interim measure, Oregon favors pumping and treating to contain the plumes, with long-range cleanup.

Question: Why is there a 10-year delay in the vitrification plant?

Response (Roger Stanley): Once grout was eliminated as a strategy, the negotiators looked at what other waste forms might be appropriate and favored glass. As far as high-level waste is concerned, there has been a lot of design work. The French, in particular, have a design, with several operating plants, and they are proposing that this design may apply at Hanford. Between now and mid 1994 USDOE will consider the applicability of the French design for Hanford and make a go-no go decision.

Comment (Gerald Pollet): If the question is, "Why 10 years?" then the answer may be less a technical one than a financial one. Construction could begin for both plants at the same time. He suggested that the real reason was financial, with USDOE unwilling to commit the necessary dollars. It may be possible to change that decision now that there appears to be a regional consensus on vitrification for both high- and low-level waste, and if all three agencies become advocates for this approach.

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Comment (Roger Stanley): Even with the French design, there might need to be modifications. The French believe their system could be on line and operational between 1999 and 2002, and they are willing to put up the money for it.

The meeting facilitator reminded citizens of the opportunity to turn in written comments and asked participants to fill out the meeting evaluation forms. It was announced that organizational spokespersons would have up to 7 minutes and individuals up to 3.

Formal Comments

Sharon Bloome, President of Heart of America Northwest, said that the Agreement should comply with all environmental laws and should not be used as a shield against applicable state and federal environmental laws. The Agreement should preserve the rights of the tribes. She said that milestones are needed for deactivation of the Plutonium Finishing Plant. An EIS should be prepared on the PFP; an Environmental Assessment would not be adequate.

Paige Knight, Hanford Watch, praised the negotiators and the heads of the three agencies for convening the Task Force. As a Task Force member, she said she felt that the public's comments were heard for the first time. The negotiators put in long hours and much hard work. A true dialogue occurred on the Task Force for the first time, and the group reached consensus on many issues. The evidence that we were heard are the facts that

- The grout program is dead,
- The Columbia River will be protected,
- The Environmental Restoration Disposal Facility will begin construction,
- Low-level waste vitrification is planned,
- Decontamination and decommissioning will be under the Agreement,
- Outfall pipes will be cleaned up;
- Groundwater and the K Basins will be addressed,
- The budget process will include public participation,
- A systems approach will be in place, and
- The dispute resolution process has been strengthened.

Specific areas in the Agreement that need to be improved are

- Enforceability language should be strengthened; it is not yet strong enough to make USDOE obey state, federal and local environmental laws;
- Milestones are too vague;
- Public involvement should be built into the contracting process;
- No more waste, especially liquid waste, should be created;
- Public scrutiny is essential.

Portland, she said, would like to accelerate the milestones for tank safety. The chromium and iodine in the 200 Area need to be cleaned up -- for today's and future generations.

Ms. Knight again commended the negotiators and agency heads for the progress they had made in improving the Agreement.

Lynne Stenbridge, Hanford Education Action League, expressed her appreciation to the three agencies for their listening to the public and for killing the grout program. HEAL considers the draft Agreement a huge improvement over its predecessor and urged the parties to sign it and get going on the cleanup. She pointed out two pressing issues that she felt still needed to be addressed: the PFP, which HEAL would like to be a pilot project for the decontamination and decommissioning program, and cleanup of the K Basins, with enforceable milestones. In assessing the draft Agreement, she considered the following to be plusses: tank retrieval, pretreatment, the low-level waste form, delay of the high-level vitrification plant and the construction of the storage complex. Areas needing improvement included acceleration of tank safety and tank farm upgrades, the need for stronger enforcement language and for accelerating the cleanup of groundwater.

Ross Tewksbury thanked the parties for continuing to host meetings in Portland. He pointed out that the main goal and priority must be containment of radiation and toxic substances and opposed dilution of the waste as a possible solution. He expressed less optimism about public involvement and its influence and was concerned that there was too much continuity with past practices. What would convince him of a real change, he said, would be protection of whistle blowers; a commitment not to produce plutonium (referencing the "Isaiah Project"); getting rid of Westinghouse-Hanford Company as the contractor and allowing smaller contractors to do much of the work. Finally, he cautioned that the public interest groups seemed to be in danger of being coopted in the guise of being involved.

Comment (Jim Bauer): The Isaiah Project is being proposed by a private consortium; it is not a USDOE proposal.

William Collins was struck by the impact that "stakeholder involvement" was said to have had on the decision to stop the grout program and to delay the vitrification plant. He speculated that the real reason for the changes was that the contents of the tanks are not known and, without knowing what is in the tanks, it was not possible to design an appropriate plant for the waste.

Gerald Pollet, Heart of America Northwest, thanked the agencies for initiating public involvement prior to the negotiations and continuing this involvement throughout their process rather than the "announce and defend" model. He indicated his belief that the negotiators really listened to the public both at public meetings and at meetings of the Task Force. (He also gave credit to Gov. Lowry and Sec. O'Leary for their fresh approach.) The result, he said, is a regional consensus for meaningful cleanup, with movement toward 3 publicly supported priorities:

- Actions to address tank leaks, safety upgrades, detection and monitoring equipment, using known technologies to deal with problems
- Solidifying 90% of the waste in glass rather than putting 20 million curies of radiation into grout; while supporting the 1997 milestone for low-level waste

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vitrification, he said milestones should also be in place to ensure that by 2002 USDOE has the right design for the high-level vitrification facility.

- Beginning tests of groundwater contamination, intercepting and cleaning up the contamination.

What, he said, is missing from the draft Agreement are the following:

- Tools to permit enforcement of the Agreement rather than permitting USDOE to use the Agreement as a shield against environmental laws;
- Public participation apparently to be an unimportant add-on; for example, the Tank Waste Remediation System milestones have no guarantee for public involvement before milestones are set.
- USDOE budget requests remaining a secret;
- A requirement that an EIS be required before the Plutonium Finishing Plant is allowed to restart.

Becca Hartwell said that USDOE needs to be accountable and that the Plutonium Finishing Plant and Columbia River need to be taken care of as soon as possible.

Employee safety is very important. Training is essential to make it safe and to ensure that no one else dies. The draft Agreement is a good step but the parties need to push to accelerate the milestones.

Lynn Porter expressed appreciation for the progress made and for listening. He said he was concerned about tank safety issues, especially about the risk of explosion. He was concerned that by 2001, the agencies would "declare a victory" and go home, without fixing the problems. He urged the agencies to take the problems more seriously and to do something about them. He asked the agencies to be more responsive to requests for information from interested citizens.

Lynn Sims pointed out that at previous meetings and at this meeting, Oregonians have been saying they want an EIS to be prepared on running the Plutonium Finishing Plant before startup would occur. She said she considers using cleanup dollars to run the plant to be inconsistent. She also expressed concern that nuclear waste problems will be left for future generations to deal with and urged that this generation do all it can to address the waste.

Paul McAdams said he had been working to shut Hanford down since the early 1980's. He said it would be good to hold congressional hearings or to have an international commission investigate Hanford and what it going on there as well as the impacts the contamination there has had on people.

Cynthia Sarthou, Staff Attorney for Heart of America, said she agreed with the points that Paige Knight, Gerald Pollet and Lynne Stembridge had made. She said she was bothered by the legal ramifications of aspects of the Agreement, especially about its enforceability. She indicated that CERCLA records of decision with appropriate public involvement could be functional equivalents to the National Environmental Policy Act.

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Janet Penfield, Hanford Watch member, said that it was appropriate to expect the parties to do what the public wants because their salaries are paid with tax dollars. She urged acceleration of tank safety milestones and also urged that there be advance warning when major milestones will not be met, as occurred with the start of the high-level vitrification plant in March 1993. She suggested that the Hanford Reach should be labeled a "dangerous radioactive area."

Matt Burnet, a student at Portland State, said he knew little about this issue when he first got interested. He said he felt that the government had let us down and that there had been a wholesale failure to do what was right for the people. He said he thought it was a shame that there had to be such specialized watchdogs because the information and the language is not accessible. He also expressed shock at the fact that the information about the contamination was kept quiet. The public is not ignorant, he said, it is scared. He said that they love the Columbia River, it is part of their lives.

Ross Tewksbury clarified his earlier remarks about the Isaiah Project, saying that he hoped the agencies would do what they could to keep Hanford out of it and use the money to clean up the waste.

Paige Knight, Hanford Watch, responded to earlier comments about Task Force members being in danger of being coopted by the agencies. She said that she believed in giving a pat on the back when someone has done something you want them to. She said that she felt the beginnings of steps forward were being taken and that people and agencies should be acknowledged when they make progress. She discouraged the "enemy" mode of thinking. When praise is due, she said, praise should be given while at the same time remaining vigilant and pushing hard for change when it is needed.

There were no others who wanted to make formal comments. The meeting adjourned at 9:15 pm.

HOOD RIVER

Date and Location: Wednesday, November 10, 1993, Hood River Valley High School

Welcome: Dirk Dunning, Oregon/Hanford Waste Board

Negotiators: Jim Bauer (USDOE), Doug Sherwood (EPA), Roger Stanley (Washington Dept. of Ecology)

Commentaries: Todd Martin (Hanford Education Action League), Ralph Patt (Oregon Dept. of Water Resources), Greg de Bruler (Columbia River United), Cynthia Sarthou (Heart of America)

Panelists for the Question and Answer Session: Jim Bauer, Dirk Dunning, Todd Martin, Ralph Patt, Greg de Bruler, Cynthia Sarthou, Harry Harmon (Westinghouse Hanford Company)

Meeting Facilitator: Alinda Page

Approximate Attendance: 40

Commentary

Ralph Patt: The Tri-Party negotiations represent a good faith effort toward cleanup and a good effort toward public involvement. For the first time, he said he felt that the USDOE is listening to the public and that the public is having an impact on the agreement. The most important change in the Agreement has been the abandonment of grout in favor of glass. This was definitely something that came out of public input.

Also, USDOE got the message that the waste coming to the River was no good and that a commitment to groundwater remediation and River cleanup is necessary. However, this is just the start. The details still need to be worked out. We are going to have to fight a battle to obtain the funds necessary for effective cleanup. A lot of other interests are going to fight for their causes, and there's only so much money available. Public involvement will continue to be necessary to fight for this money.

Greg de Bruler: Although the USDOE is finally opening its doors to the public, it's up to the public to make certain the doors stay open. I'm glad for the accomplishments to date; I'm glad the Agreement is finally changing and progressing. However I still have concerns. First, the milestones for addressing discharges of certain chemicals need to be beefed up. The Agreement fails to set a comprehensive plan for setting accurate milestones for cleaning up these discharges. Second, the Agreement should state specifically that the goal is the *elimination* of discharge. Third, the Agreement should state specifically that the K-basins will be cleaned up. Fourth, there needs to be a stronger commitment to clean up contaminated groundwater. Two hundred square miles of groundwater are contaminated; we must make sure the contamination does not spread into the River. Finally, the public should be able to enforce the Agreement through active public participation. The support of the public is necessary in order to continue our efforts.

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Cynthia Sarthou: Although the Agreement has come a long way, I have grave concerns about its enforceability. A lot of the milestones for cleanup are ambiguous target dates. There need to be more definite deadlines for cleanup activities so that the USDOE can be held to these dates. The Agreement states that any commitments are based on the ability to obtain funding. This is basically a convenient way for the USDOE to renege on commitments. Finally, the Agreement mentions that a stabilization campaign is necessary with regard to the Plutonium Finishing Plant, but a decision about running the plant has not yet been made.

Todd Martin: He reaffirmed the need for more definite cleanup milestones. The fight has just begun, he said, and obtaining funds for cleanup will be a big issue over next four years. If cleanup activities do not start producing measurable results soon, the money for additional cleanup may disappear.

Question and Answer Session

Question: Will there be a stabilization campaign for running the Plutonium Finishing Plant?

Response: There may be a stabilization campaign, but prior to that, there has to be an environmental review. The public must be involved before getting to that point.

Response (Cynthia Sarthou): She expressed concern that the negotiators are agreeing to this before an environmental review has allowed for a run of this plant.

Response: I don't think we have Agreement to do a particular activity here. We haven't interpreted it that way.

Response (Greg de Bruler): Two months ago the Hood River community indicated that they want an EIS. When we saw a stabilization run in the Agreement, we thought you were going to do just that. We're saying that the public wants an environmental impact statement.

Question (Mort Smith): Are there any statements written in the Agreement to ensure they don't make a mess like the Plutonium Finishing Plant again?

Response (Ralph Patt): There is a statement that talks about how the plant will go from an operating phase to a low maintenance phase, which will put it in a position where it can be maintained.

Response: We are concerned about what's going to happen with leaked tank waste. We're looking at ways to contain weak tanks and trying to determine if there will be more.

Question: How can we bring the money in to ensure there will be cleanup?

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Response (Jim Bauer): The USDOE has to ask for the money. The President asks Congress, and Congress looks at the request, and so on down the line. I can't guarantee we'll get all the necessary funds, but I can guarantee that we'll ask for it. Paragraphs 138 and 139 state that the regulators must be involved early on in the budget process in order for them to see what work and what dollars are being asked for. If they disagree with the request, their comments will be forwarded with the overall budget request so that those concerns will be known. We'll also be meeting with the public during this budget process, and we will be soliciting support from our congressional delegation.

Response: (Todd Martin): When Congress receives the request, they will ask about the importance of this activity. We know that Congress thinks it's important because they've already given us lots of money. But Congress will want to know if the request will result in progress, since it has not in the past. We have to show that it will.

Response: It's important that we keep on with this so that Washington, DC sees that we have a good plan, a good technical base, and the support of the public. If we can maintain that, and have an efficient monitoring and tracking system, we can keep the money coming.

Response (Jim Bauer): We have received a lot of money in the past, and the first phase that we've been going through (the characterization phase) may not have shown a lot of progress. But if we can show that it's working, and that we're streamlining the process with less paperwork and moving toward cleanup, hopefully Congress will respond.

Question (Caroline Spear): Since the money isn't guaranteed, how does the Agreement express priorities by which cleanup will be accomplished? Do these priorities reflect the values of the public?

Response (Jim Bauer): The public sets the priorities.

Question (Caroline Spear): Then why isn't an EIS being done for the Plutonium Finishing Plant?

Response (Jim Bauer): There is a Hanford Remedial Action EIS being done, but it takes several years. The Hanford Future Site Uses Working Group was formed to help write the priorities, so they are being addressed. This is reflected in the changes that have been made in the Agreement.

Comment: The priorities should be stated explicitly in the Agreement so that when funding dries up, we have a clear statement of what those priorities are.

Response (Cynthia Sarthou): The Agreement is a confusing document. I agree that it would help if it stated the priorities in case funding becomes limited. The target dates/milestones are sort of like priorities, but this is not apparent to the public. Tank

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stabilization and groundwater remediation are priorities of the public, but this is not stated clearly enough in the Agreement.

Response (Doug Sherwood): During the past four years, we've identified what the priorities are. For example, instead of doing six investigations, each year on 78 sites, we've narrowed our activities down to what you've said is important.

Question (James Whitley): Who is really in charge of cleanup?

Response (Jim Bauer): USDOE is responsible.

Question: The priority should be on earthquake preparedness. Why has no priority been given to cryogenics?

Response (Harry Harmon, Westinghouse-Hanford Company): Cryogenics involves freezing the ground to form a barrier that prevents liquids from going past the barrier. Another approach is to inject concrete-like material into the ground. We're doing a test program at Hanford in the next year or two on both these techniques. One of the issues with cryogenics is the thermal shock, or the impact of the cold on the waste tanks.

Response (Doug Sherwood): We also have other concerns about cryogenics. Hanford has very dry soil. There needs to be a sufficient amount of moisture for cryogenics to work. And if you add water, you'll move the soil contaminants. We need to understand this process more.

Response (Greg de Bruler): This goes back to priorities: The USDOE is directing the cleanup, but the public hopefully will run the process by stating its priorities. Site-specific advisory boards are being set up at USDOE sites for more public input.

Question: Was (a certain chemical) classified as waste material?

Response (Cynthia Sarthou): It was not classified as waste but as a special nuclear material, which means that it could be used again in the future.

Question (Kathy Carlson): Has vitrification actually been done? Is it going to involve large masses of glass, or smaller, more easily handled pieces?

Response (Harry Harmon): Vitrification has been done successfully in Europe. Testing has been done at Hanford with small amounts. It's a well-demonstrated technology. The high-level waste will be shipped to a federal repository. It has been planned to be shipped in a steel canister ten feet tall by 2 feet wide, but it's been suggested that a larger (four to five times larger) canister be sent to the repository. It hasn't been determined yet how to handle the low-level waste, since we've just recently changed our focus from grout to glass. But the glass must be retrievable so it can be shipped or readily moved about, repackaged, etc. That's where we are right now.

Question: Would it be little pebbles of glass, bricks, or what?

Response (Harry Harmon): The high-level waste would be solidified into a large mass; the low-level waste could be solidified in pebble-size chunks.

Response (Todd Martin): Vitrification has been tested only on a small scale; not on the scale of what we are proposing to do at Hanford.

Question: Will this create a lot of contaminated waste water?

Response (Harry Harmon): Water is released; but we can retrieve it, and we will treat it.

Response (Greg de Bruler): Glass is a liquid, and it can change shape. I'm glad that vitrification is delayed until 2009. That gives us time to find a better solution. The vitrification plant is a \$1.2 billion facility. Perhaps we should solicit bids from other companies to help us look at other technologies.

Response (Cynthia Sarthou): Some delay is necessary because I want to know that it will definitely work. In the meantime, money is being spent on other worthwhile things. If we force them, they will take those years and show us that it will work. Then our money will be better spent.

Question: What about making the people who made the mess pay for the cleanup?

Response (Jim Bauer): The contractors did what was required of them by the government.

Response (Cynthia Sarthou): There are indemnity clauses in the contracts, which means that USDOE pays for everything.

Response (Jim Bauer): The Secretary of Energy has formed a task force to look at the way USDOE deals with contractors. Now there's a process to recover costs with contractors. When these contracts were made, nuclear weapons production was such a high-risk activity that it was necessary to build in the indemnity clauses.

Formal Comments

Unidentified: It would delight me to see more women that are qualified to be on this planning board because I have more trust in women's abilities to handle the cleanup.

Daniel Newberry: Every technology has something unknown. There is no safe method for cleanup. If we wait for the right technology, cleanup won't start for at least ten years, because we're always going to be waiting for a better alternative.

Response (Cynthia Sarthou): But before, all this money was spent on vitrification, and it was not effective. We just want the negotiators to answer our questions.

Unidentified: In order for the public to be involved, there must be a free flow of information. This hasn't happened because the information is classified. The USDOE should declassify information about Hanford. If the USDOE is truly committed to involving the public, they should allow a free flow of information. Is there something that can be added to the Agreement about providing a better flow of information?

Response (Ralph Patt): Oregon has requested to Secretary O'Leary that the information be declassified. Another problem is getting hold of the data. The data has to be verified before it can be released. If it's incorrect, then there are problems. But we agree with you. Oregon believes it should be declassified.

Response (Roger Stanley): Washington has no problem with it.

Response (Jim Bauer): The information has been flowing. We just need to link up the computers, etc. Very little information is classified presently. Past information will be declassified by the Secretary, but it takes time.

Unidentified: I would like to see something in writing about how the USDOE will improve information flow and how it will consider public comment. As an example, everyone here is saying they want a full EIS before running the Plutonium Finishing Plant, but USDOE is saying they're going to go ahead without one (applause).

Response (Jim Bauer): A public information plan is available to show how we are involving the public. Also, there are reading rooms--the closest one is in Portland--where there is information available. We have quarterly meetings throughout the area to show what's happening with the Agreement. We have other special meetings as well. We try to mail out all information in advance. But we can improve and try to do more.

Response (Ralph Patt): Secretary O'Leary said she would release past information. If it is released, then we will know the exact amounts of what was loaded into the River, and when. (Applause)

Unidentified: The Department of Defense is holding back on declassification, not the USDOE.

Unidentified: It all gets down to money: Who's going to pay for it? How are these priorities going to be set up? When Hanford is up for money, they have to take it and use it for what will do the most good. Congress gives less and less money now. We have to start living within our means.

Linda Keir, Hood River: When are the states going to follow the lead of Idaho by stopping the importation of waste until they learn how to take care of it themselves? Why are we obligated to accept more waste at Hanford?

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Response (Jim Bauer): With regard to Bremerton, it was determined that the waste was best put at Hanford. Changing these kinds of decisions would have to be done at the federal level.

Response (Ralph Patt): Some waste is being moved to other places now. The transportation of waste, and the associated safety issues, are a very high priority for us.

Cynthia de Bruler, White Center: USDOE should accept Washington's stronger language about enforceability. The Agreement is just paperwork if it can't be enforced. This is the most important factor in the Agreement, and it needs to be strengthened. Also, we need to address the cleanup of tank waste leakage, groundwater, and the K-basins. There should be a commitment in the Agreement to accept the input of the advisory board. The changes in Agreement are to be commended. You listened to the public.

Kathy Carlson, Hood River: I'm worried that this Agreement will always be changing, that we will keep going to meetings, and we will never be sure of what's going to be done.

Response (Jim Bauer): If nothing changes, the Agreement will be reviewed every 5 years. But if technical impossibilities surface, they will have to be addressed. There will probably be changes in the future. But other work will continue to be performed to meet the milestones that are already in the Agreement. Work doesn't stop just because there are changes to be made.

Unidentified (following up on a statement made earlier by another unidentified speaker): Does funding actually come from the Department of Defense (DOD)?

Response (Jim Bauer): No; there is confusion because some of the funding originates from defense authorization bills. Some funding from these bills goes to the DOD, and some to USDOE.

Judy Nelson, Hood River: How much material could be vitrified?

Response: More studies are necessary to determine what could be vitrified and how safe it would be. I can't tell you how much, in terms of mass, could be vitrified.

Judy Nelson: The waste should not be put into small size chunks, because then it would be transportable. It shouldn't be transportable. What about evaporation?

Response: We have done some evaporation.

Unidentified: Are there penalties in the Agreement for non-compliance?

Response: There are no explicit penalties, but there is a process for imposing a penalty if so desired.

Response (Cynthia Sarthou): The penalties that are allowed are not stiff enough; they need to be stiff enough to hurt.

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